

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard Kitney & Patrick Gross
 Serial No.: TBA
 Filed: October 22, 2004
 For: DISPOSABLE CONTAINER FOR USE WITH AN OPEN MAGNETIC
 RESONANCE SCANNER

Group Art Unit: TBA
 Examiner: TBA

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313
 Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☒ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
 JP 2000-28696 with English abstract
 JP 1-132944 with English abstract
 JP 63-142248 with English abstract
 JP 57-173754 with English abstract
 JP 61196145 with English abstract
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in various parent applications. A copy

of each of the cited non-patent references is enclosed herewith.

4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or
 - ☒ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
 - ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
 - ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
 - ☐ Charge the fee to Deposit Account No. 13-4500, Order No. _____. A
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.

8. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
 - b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
 - c. ☐ The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☒ This document is accompanied by ☒ a Search Report ☐ Communication which was cited in a corresponding ☒ PCT or ☐ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4586-4004. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 22, 2004

By: 

Walter G. Hanchuk
Registration No. 35,179

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281
212-415-8700 telephone
212-415-8701 fax

FORM PTO-1449 INFORMATION DISCLOSURE CITATION				Attorney Docket: 4586-4004		Serial No. 10/512404 TBA	
				Applicant: Richard Kitney and Patrick Gross			
				Filing Date: October 22, 2004		Group Art Unit: TBA	
U.S. PATENT DOCUMENTS							
Examiner Initial		Patent Number	Issue Date	Name	Class	Sub- Class	Filing Date
		6,111,408	8/2000	Blades et al.			
		5,760,586	6/1998	Foerster et al.			
		4,184,110	1/1980	Hinshaw			
		3,725,776	4/1973	Petrinovic			
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Patent Number	Publication Date	Country	Class	Sub- Class	Translation
		EP 0376057	7/1990	EPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
		2000-28696	1/2000	Japan/with English abstract			<input type="checkbox"/> Yes <input type="checkbox"/> No
		1-132944	5/1989	Japan/with English abstract			<input type="checkbox"/> Yes <input type="checkbox"/> No
		63-142248	6/1988	Japan/with English abstract			<input type="checkbox"/> Yes <input type="checkbox"/> No
		57-173754	10/1982	Japan/with English abstract			<input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER DOCUMENTS (Including Author, Title, Date, etc.)							
		"Resolution Enhanced NMR Spectroscopy in Biological Systems Via Magnetic Susceptibility Matched Sample Immersion Chambers", Ballon et al., Magnetic resonance in Medicine, 1993, vol. 30, no.6					
		"Tissue & Cell Extracts MRS", Cozzone et al., pp4771-4775					
Examiner				Date Considered			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							

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U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	5,550,471	8/1996	Feld			
	5,245,288	9/1993	leussler			
	4,875,485	10/1989	Matsutani			

FOREIGN PATENT DOCUMENTS

Examiner Initial	Patent Number	Publication Date	Country	Class	Sub-Class	Translation
	EP 0346049		EPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 0468857		EPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 0750188		EPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
	JP 61196145		Japan/abstract only			<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

Examiner

Date Considered

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